



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 18 February 2004

EXPIRATION DATE: 22 March 2004

REFERENCE NUMBER: M-2002-0270

WATERWAY NUMBER: Cook Inlet 363

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Kenai-Kachemak Pipeline, LLC., UNOCAL, Post Office Box 196247, Anchorage, Alaska 99519-6247.

AGENT: Bristol Environmental & Engineering Services Corporation, 2000 West International Airport Road, Anchorage, Alaska 99502.

LOCATION: The proposed 15 mile long Happy Valley Extension (HVE) would begin at the existing terminus of the Kenai-Kachemak Pipeline (KKPL), latitude 60.13° N., longitude -151.54° W., adjacent to the Susan Dionne Pad, near Sterling Highway Milepost 128. The HVE would follow the eastern edge of the Sterling Highway right-of-way south to a point just north of the Ninilchik River. The HVE route would continue south along a section line easement, across the Ninilchik River, and follow Cecelia Street to Oilwell Road. Turning east-southeast, the HVE would follow the Oilwell Road right-of-way, terminating near Happy Valley Well No. 1, latitude 59.99 N., longitude -151.49 W. The proposed gas line would be located within USGS Quads Kenai A-5 and Seldovia D-4, sections 5, 7, and 8, T. 1 S., R. 13 W., Seward Meridian (SM); sections 13, 23, 24, 26, 34, and 35, T. 1 S., R. 14 W., SM; sections 1, 2, and 12, T. 2 S., R. 14 W., SM; sections 7, 8, 9, 10, 15, and 22, T. 2 S., R. 13 W., SM.

WORK: Excavate a 4' wide by 6' deep trench to accommodate the 12" diameter natural gas pipeline. The proposed work would cross approximately 5,063 linear feet of wetlands in 10 separate areas, impacting an estimated 2.67 acres of wetlands. The excavated material would be temporarily stockpiled in wetlands adjacent to the trench and replaced after the pipe is laid.

PURPOSE: The pipeline would provide conveyance for natural gas produced at the Happy Valley well to the existing Southcentral Alaska natural gas infrastructure.

ADDITIONAL INFORMATION: The proposed 60' wide construction right-of-way predominantly follows the Alaska Department of Transportation and Public Facilities (ADOT&PF) right-of-ways along the Sterling Highway and Oilwell Road, a section line easement, Cecelia Street (a Kenai Peninsula Borough road), and easements leased from a private property owners. A 20' right-of-way corridor would be required for pipeline maintenance.

Horizontal directional drilling (HDD) would be utilized to cross 6 wetland areas (approximately 600 linear feet); 5 unnamed creeks (3,500 linear feet), Silver Salmon Creek (900 linear feet), Dolly Varden Creek (1,700 linear feet), and the Ninilchik River (1,900 linear feet).

MITIGATION: The applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment: 1. In unfrozen wetlands, material temporarily sidecasted during construction would be placed on geotextile fabric until backfilled into the trench. 2. In unfrozen wetlands, heavy equipment would work off portable construction mats. 3. Temporary stockpiled material would be stored to minimize waterborne sediment from traveling away from the worksite. 4. Disturbed areas would be seeded with native species at the earliest opportunity to stabilize soils and minimize erosion.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are two unevaluated properties in the vicinity of the worksite. They have been designated KEN 00082 and KEN 00060. Because the properties have adjacency to the project area, a determination of eligibility and, if needed, a determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO). Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work was evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). Our determination is that the described activity, within the proposed area, will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Jack Hewitt at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at <mailto:Jack.J.Hewitt@poa02.usace.army.mil> if further information is desired concerning this notice.

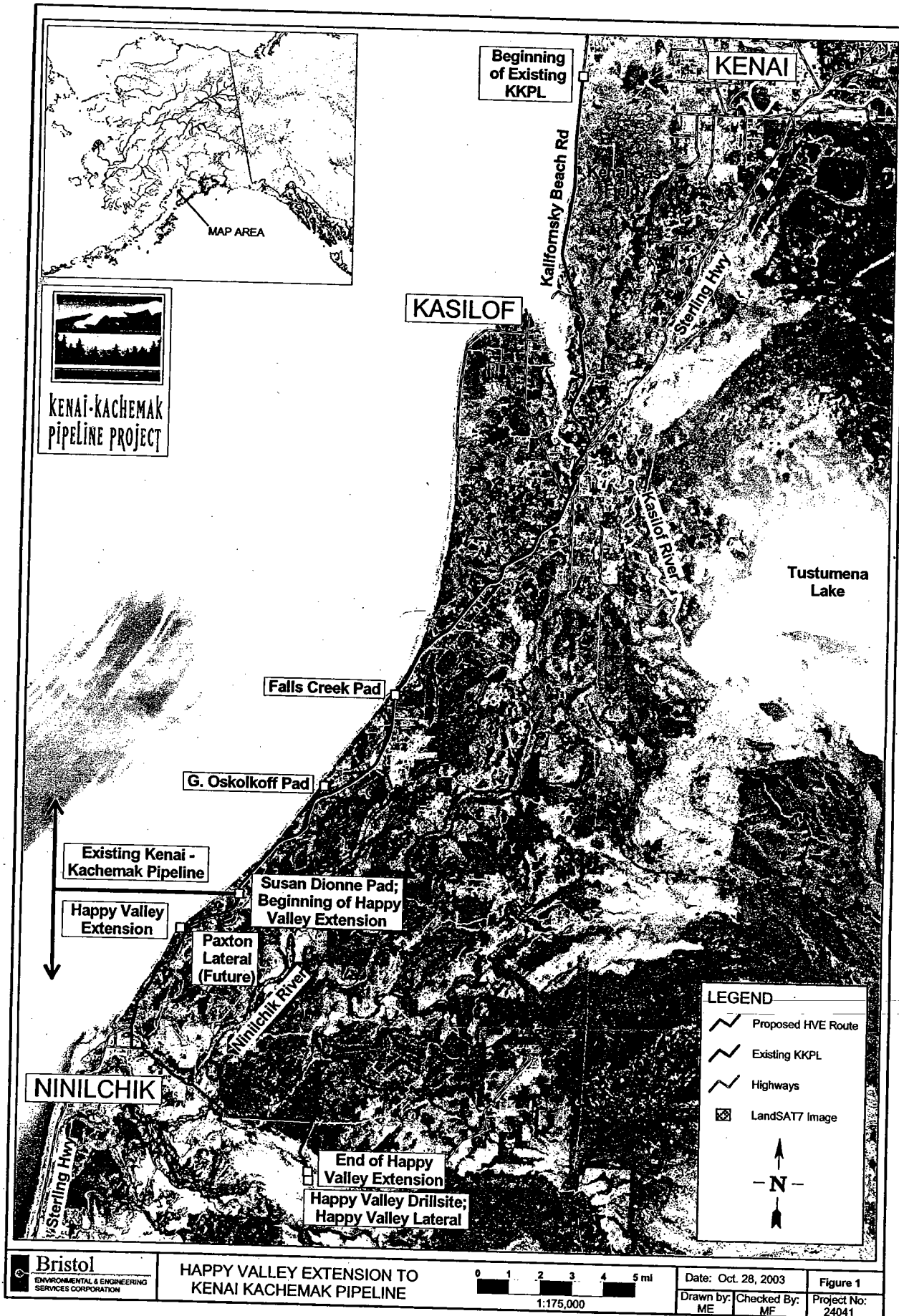
AUTHORITY: This permit will be issued or denied under the following authorities:

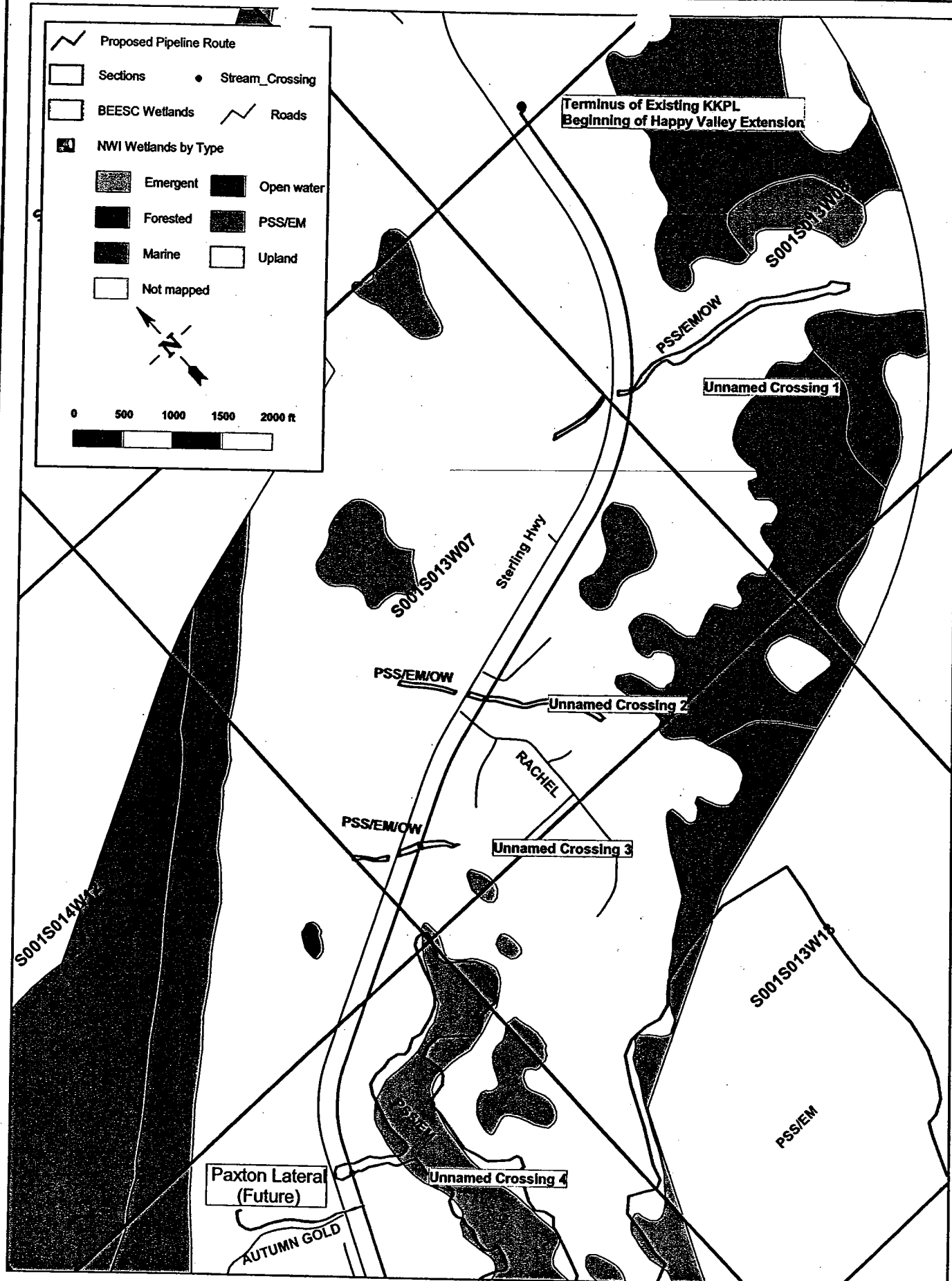
(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

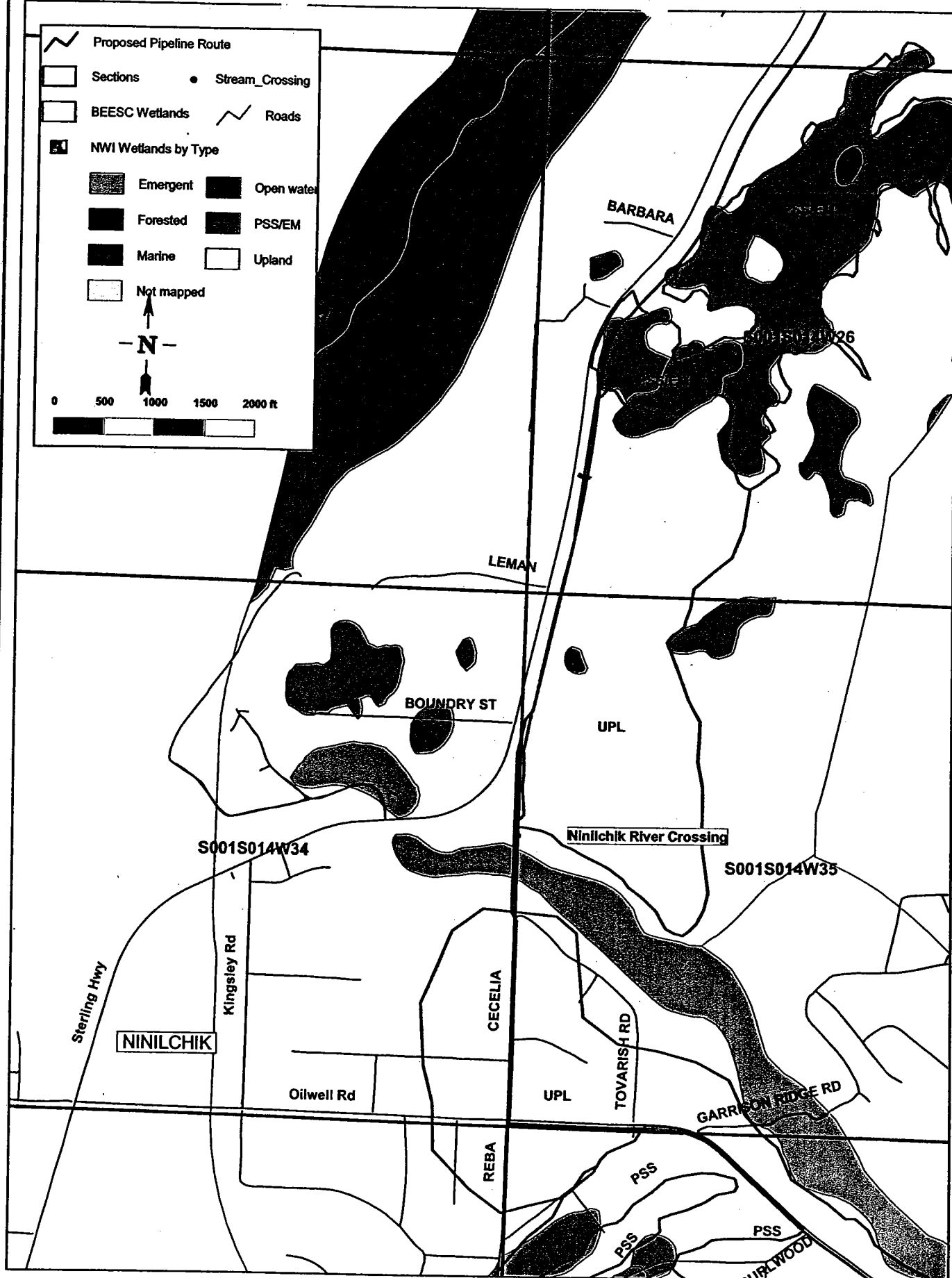
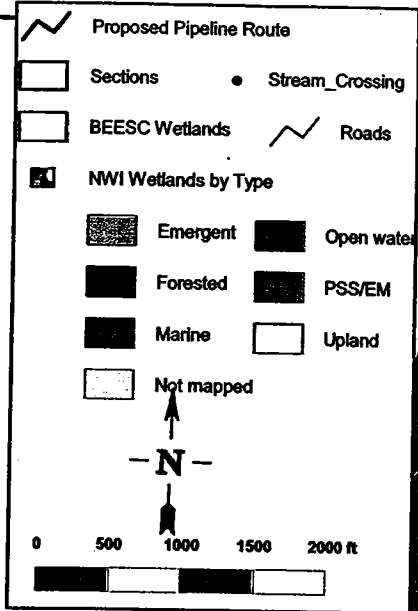
District Engineer
U.S. Army, Corps of Engineers

Attachments

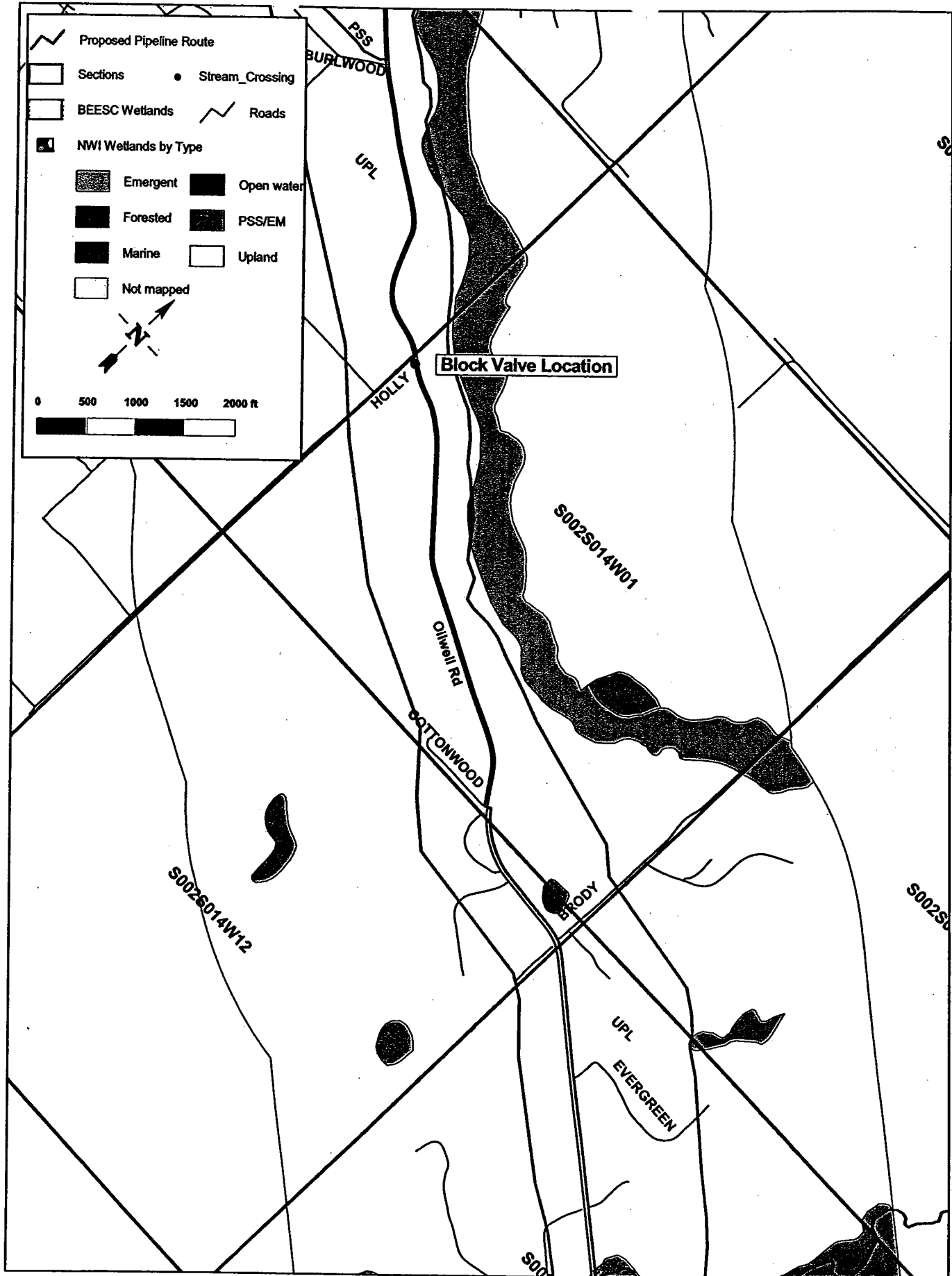
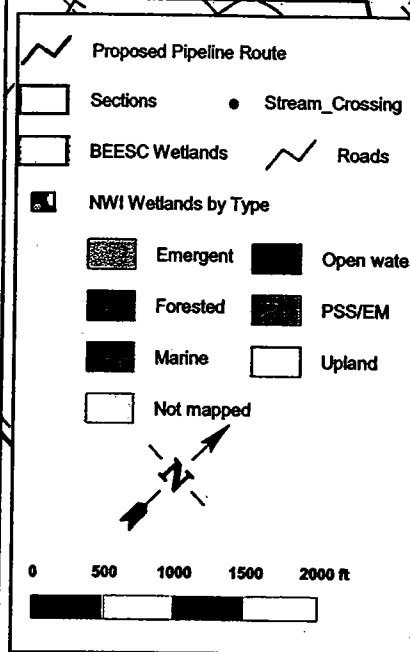




M-2002-0270, Cook Inlet 363
Sheet 2 of 15, Dated: 12 Dec 03



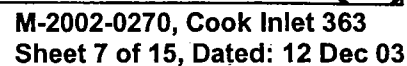
M-2002-0270, Cook Inlet 363
Sheet 4 of 15, Dated: 12 Dec 03

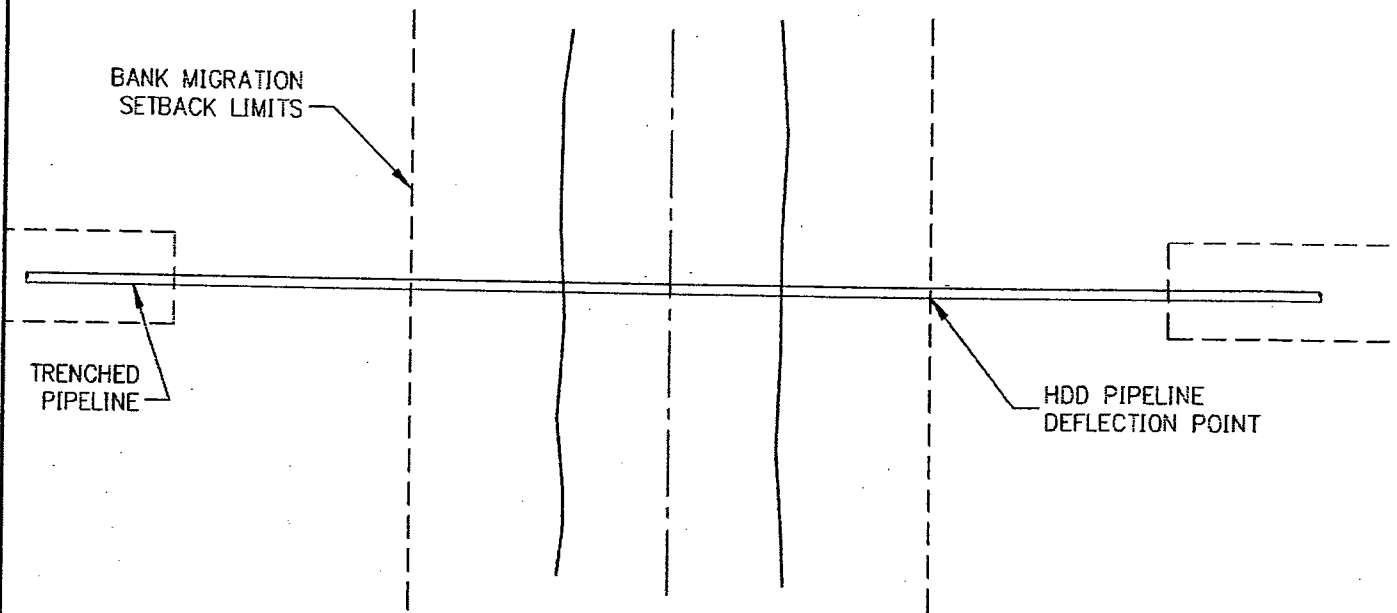


M-2002-0270, Cook Inlet 363
Sheet 5 of 15, Dated: 12 Dec 03



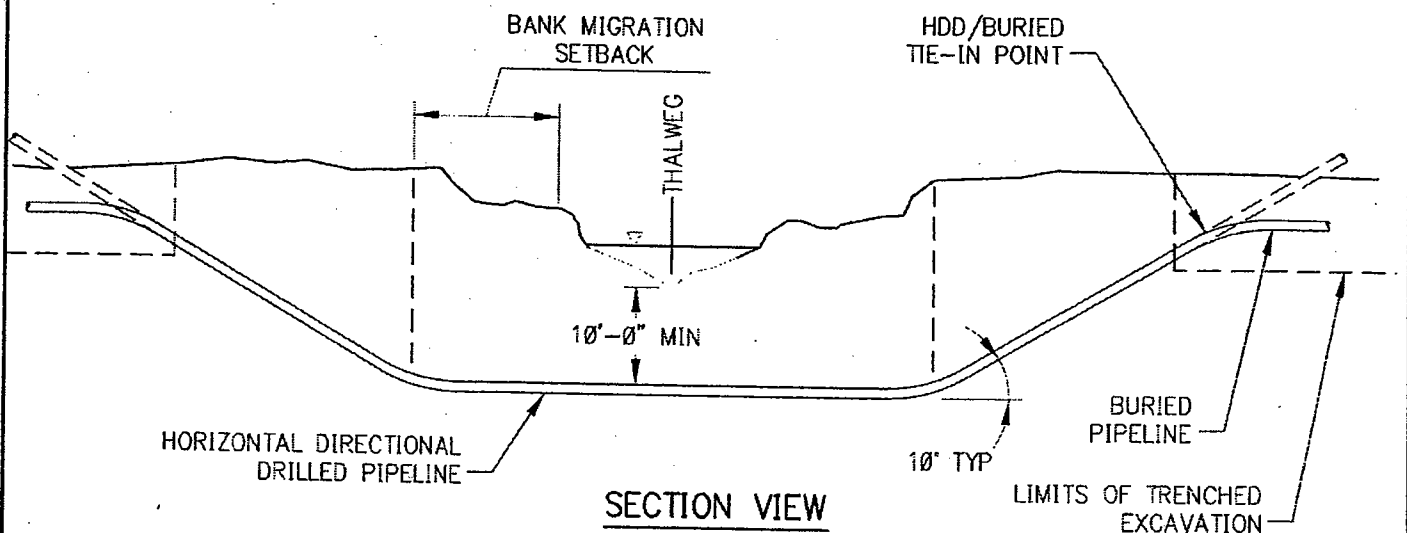
M-2002-0270, Cook Inlet 363
Sheet 6 of 15, Dated: 12 Dec 03





PLAN VIEW

NOT TO SCALE



SECTION VIEW

NOT TO SCALE

M-2002-0270, Cook Inlet 363
Sheet 8 of 15, Dated: 12 Dec 03

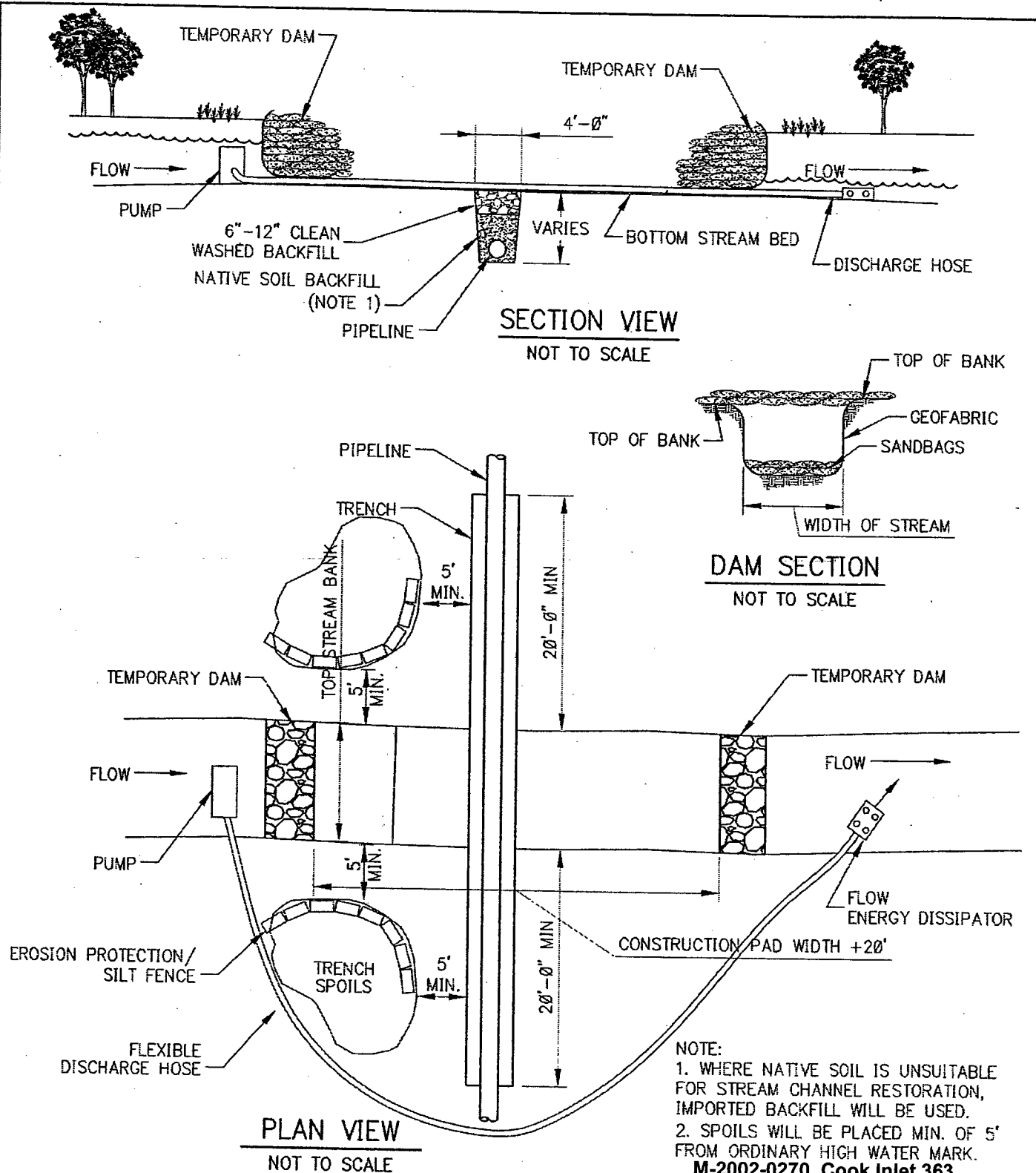
PURPOSE: NATURAL GAS TRANSMISSION

**TYPICAL HDD
 STREAM CROSSING**

FIGURE 6

**PROPOSED HAPPY VALLEY EXTENSION
 TO THE KENAI-KACHEMAK
 NATURAL GAS PIPELINE**

LOCATION:
 BOROUGH: KENAI
 APPLICATION BY: KENAI-KACHEMAK
 PIPELINE, LLC
 SHEET 1 OF 1 DATE 12/03/03



M-2002-0270, Cook Inlet 363

Sheet 9 of 15, Dated: 12 Dec 03

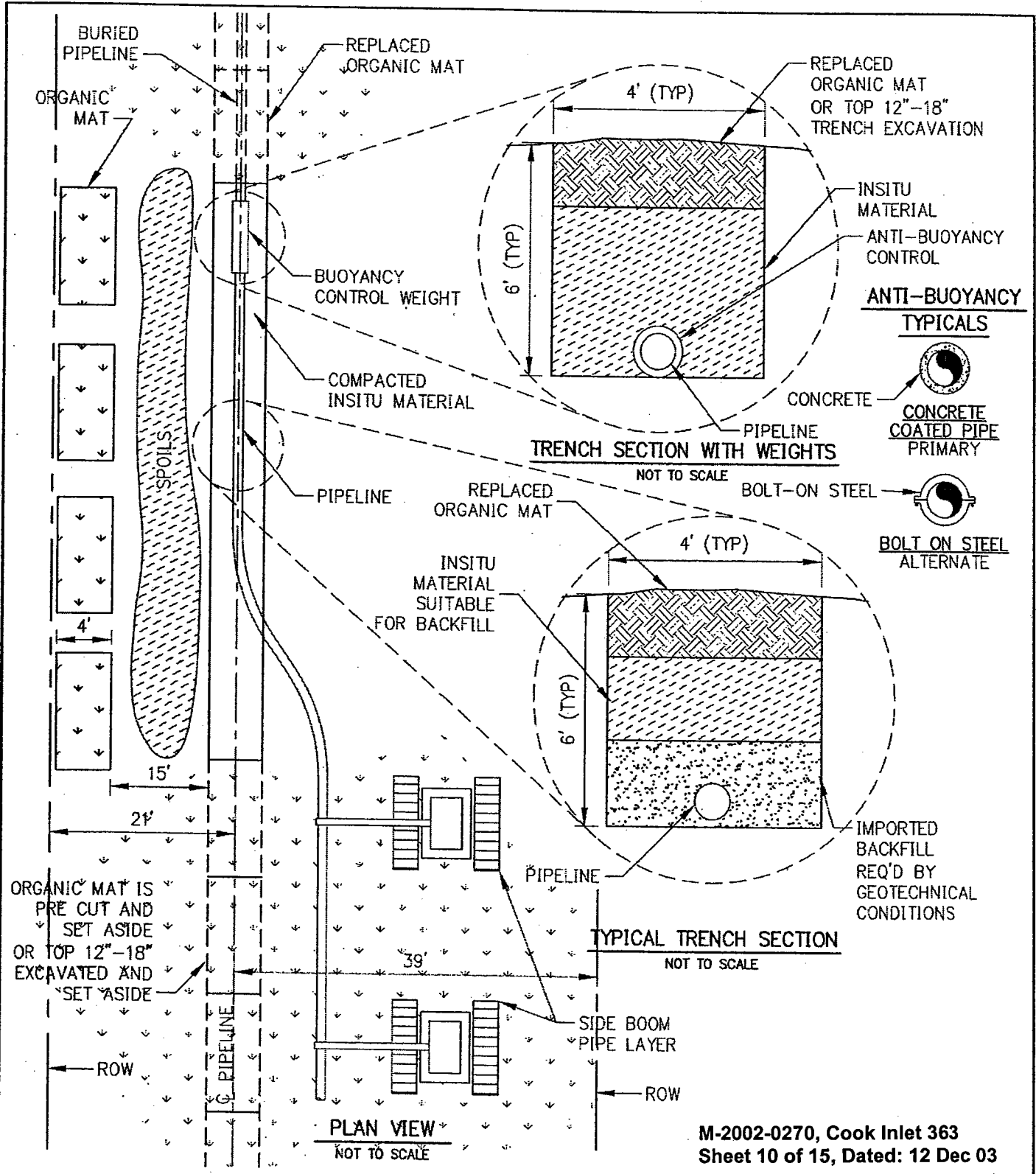
PURPOSE: NATURAL GAS TRANSMISSION

DAM & PUMP STREAM CROSSING PLAN & SECTION

FIGURE 7

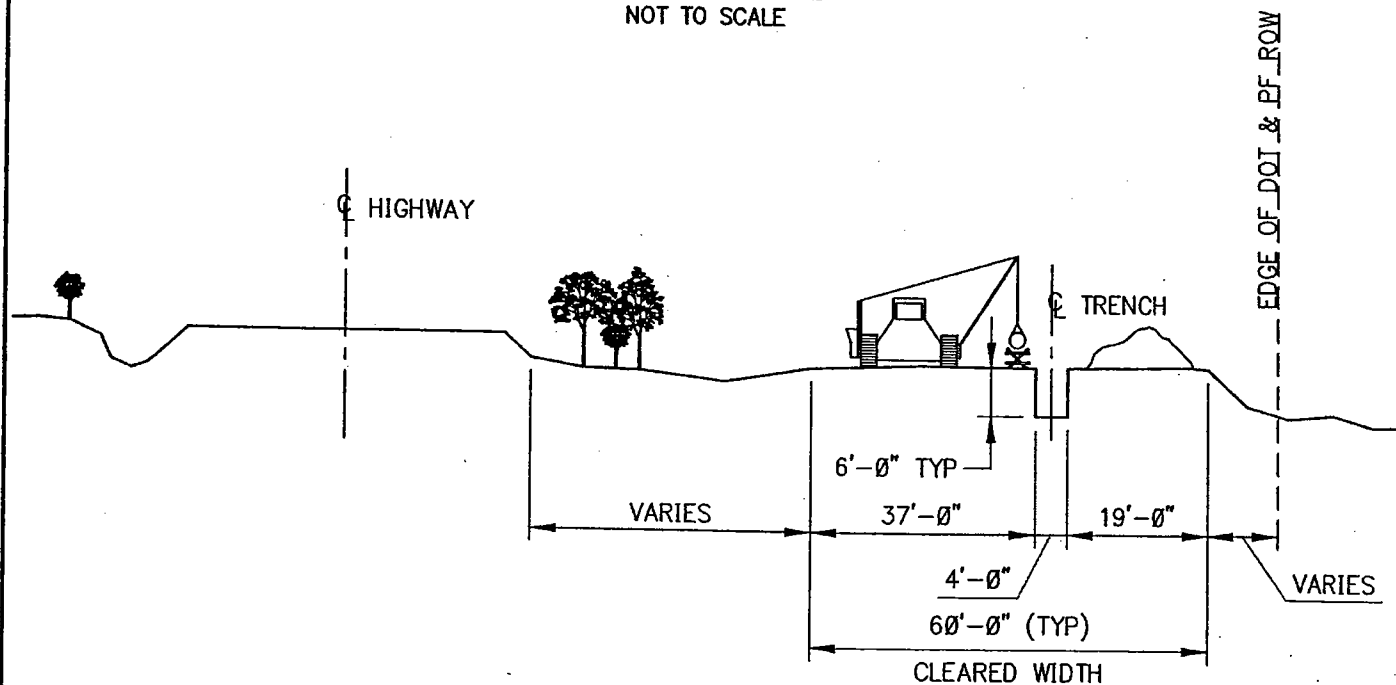
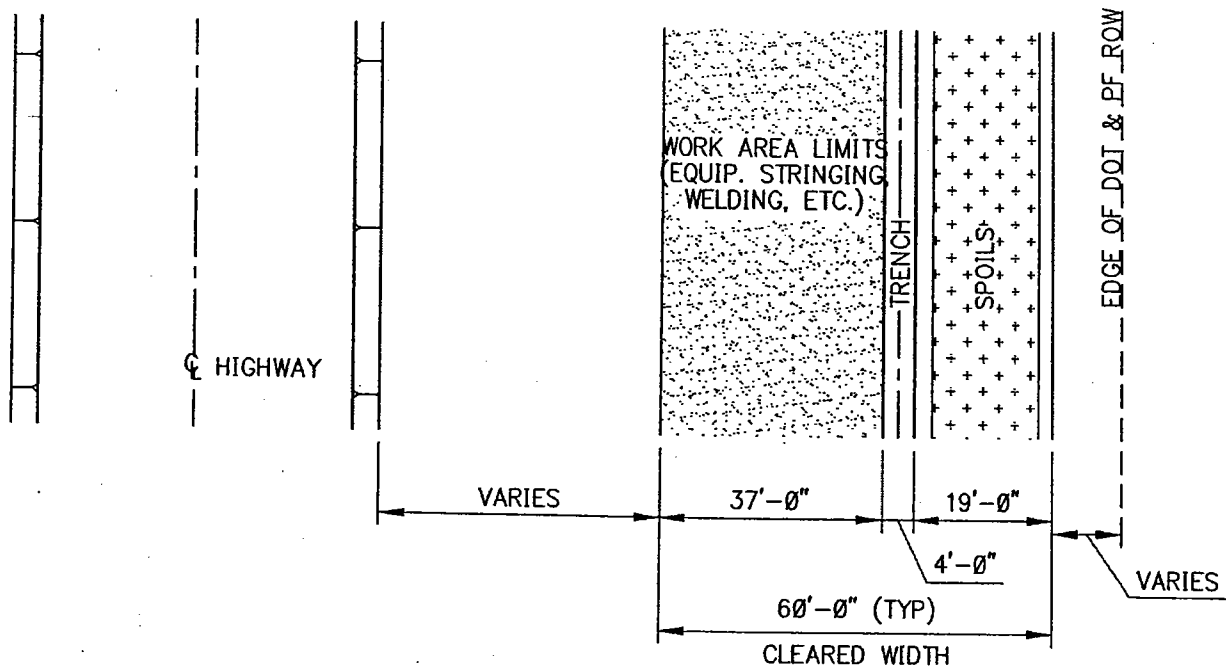
PROPOSED HAPPY VALLEY EXTENSION
TO THE KENAI-KACHEMAK
NATURAL GAS PIPELINE

LOCATION:
BOROUGH: KENAI
APPLICATION BY: KENAI-KACHEMAK
PIPELINE, LLC
SHEET 1 OF 1 DATE 12/03/03



M-2002-0270, Cook Inlet 363
 Sheet 10 of 15, Dated: 12 Dec 03

PURPOSE: NATURAL GAS TRANSMISSION	TYPICAL WETLAND TRENCH DETAILS FIGURE 8	PROPOSED HAPPY VALLEY EXTENSION TO THE KENAI-KACHEMAK NATURAL GAS PIPELINE LOCATION: BOROUGH: APPLICATION BY: KENAI-KACHEMAK PIPELINE, LLC SHEET 1 OF 1 DATE 12/03/03
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M-2002-0270, Cook Inlet 363
Sheet 11 of 15, Dated: 12 Dec 03

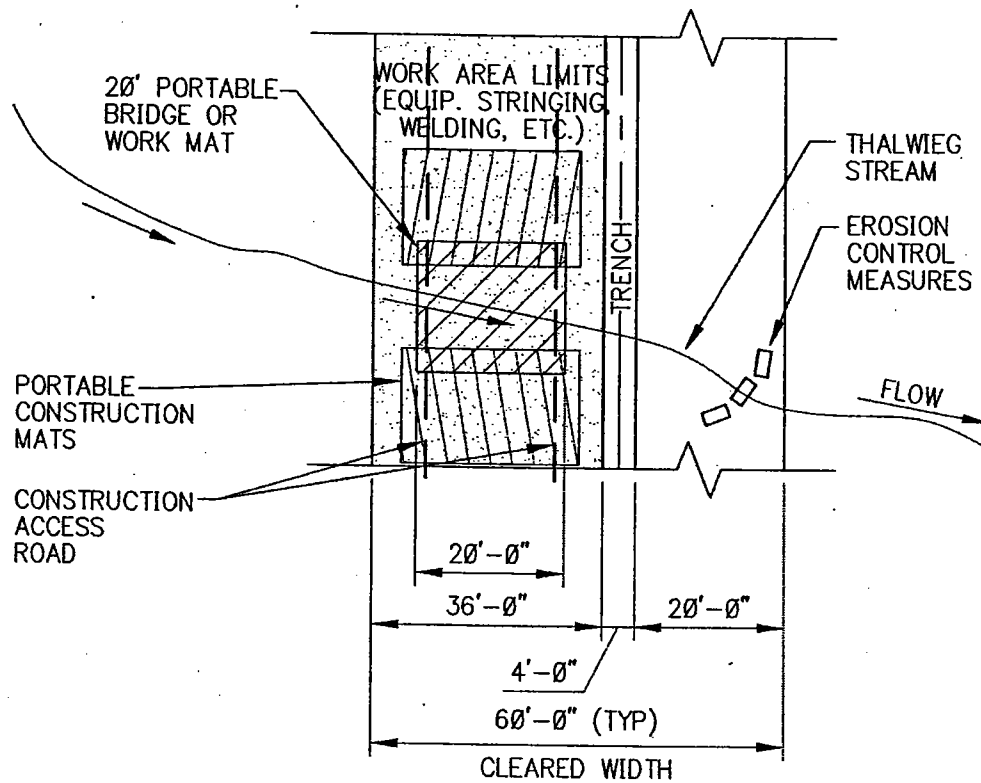
PURPOSE: NATURAL GAS TRANSMISSION

PLAN & SECTION FOR
PIPELINE SEGMENTS

FIGURE 9

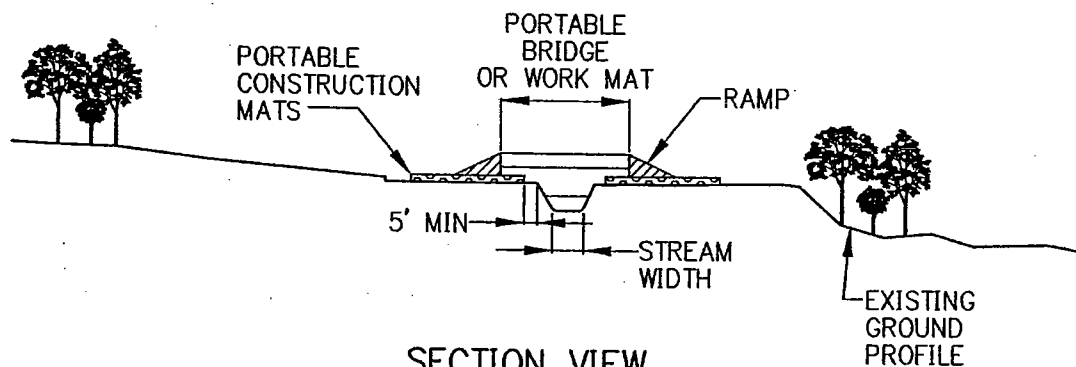
PROPOSED HAPPY VALLEY EXTENSION
TO THE KENAI-KACKEMAK
NATURAL GAS PIPELINE

LOCATION:
BOROUGH:
APPLICATION BY:
PIPELINE, LLC
SHEET 1 OF 1 DATE 12/03/03



PLAN VIEW

NOT TO SCALE



SECTION VIEW

NOT TO SCALE

M-2002-0270, Cook Inlet 363
Sheet 12 of 15, Dated: 12 Dec 03

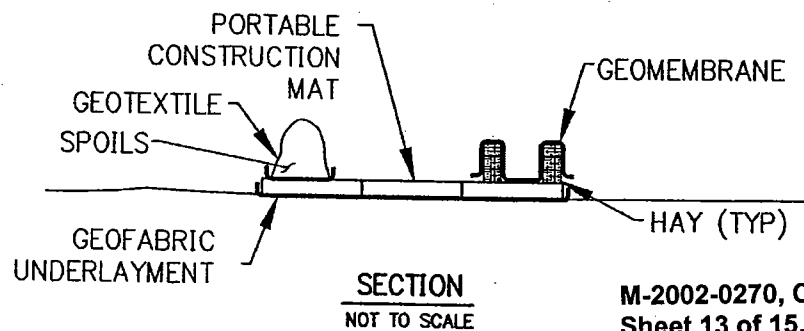
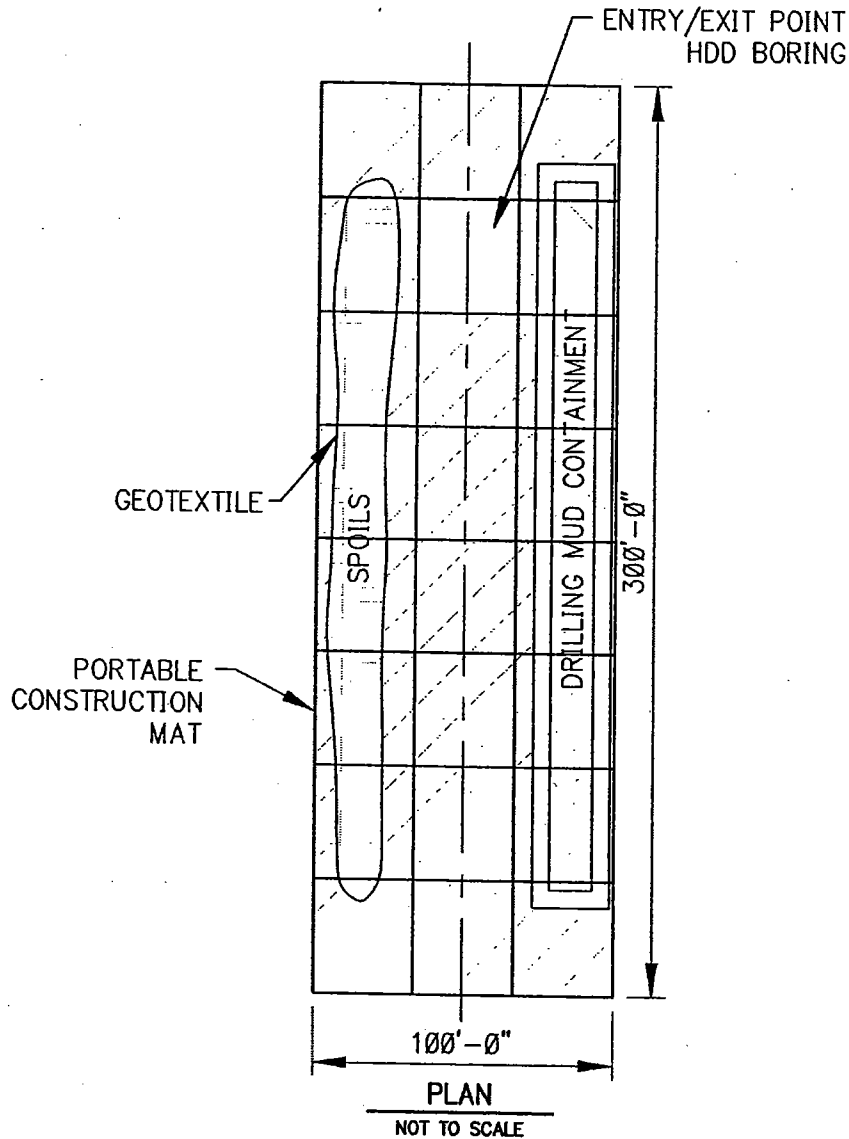
PURPOSE: NATURAL GAS TRANSMISSION

PLAN & SECTION FOR
DRAINAGE CROSSING
USING PORTABLE
BRIDGE & MATTING

FIGURE 10

PROPOSED HAPPY VALLEY EXTENSION
TO THE KENAI-KACKEMAK
NATURAL GAS PIPELINE

LOCATION:
BOROUGH:
APPLICATION BY: PIPELINE, LLC
SHEET 1 OF 1 DATE 12/03/03



M-2002-0270, Cook Inlet 363
Sheet 13 of 15, Dated: 12 Dec 03

PURPOSE: NATURAL GAS TRANSMISSION

PLAN & SECTION FOR
HDD CONSTRUCTION
PAD

FIGURE 11

PROPOSED HAPPY VALLEY EXTENSION
TO THE KENAI-KACKEMAK
NATURAL GAS PIPELINE

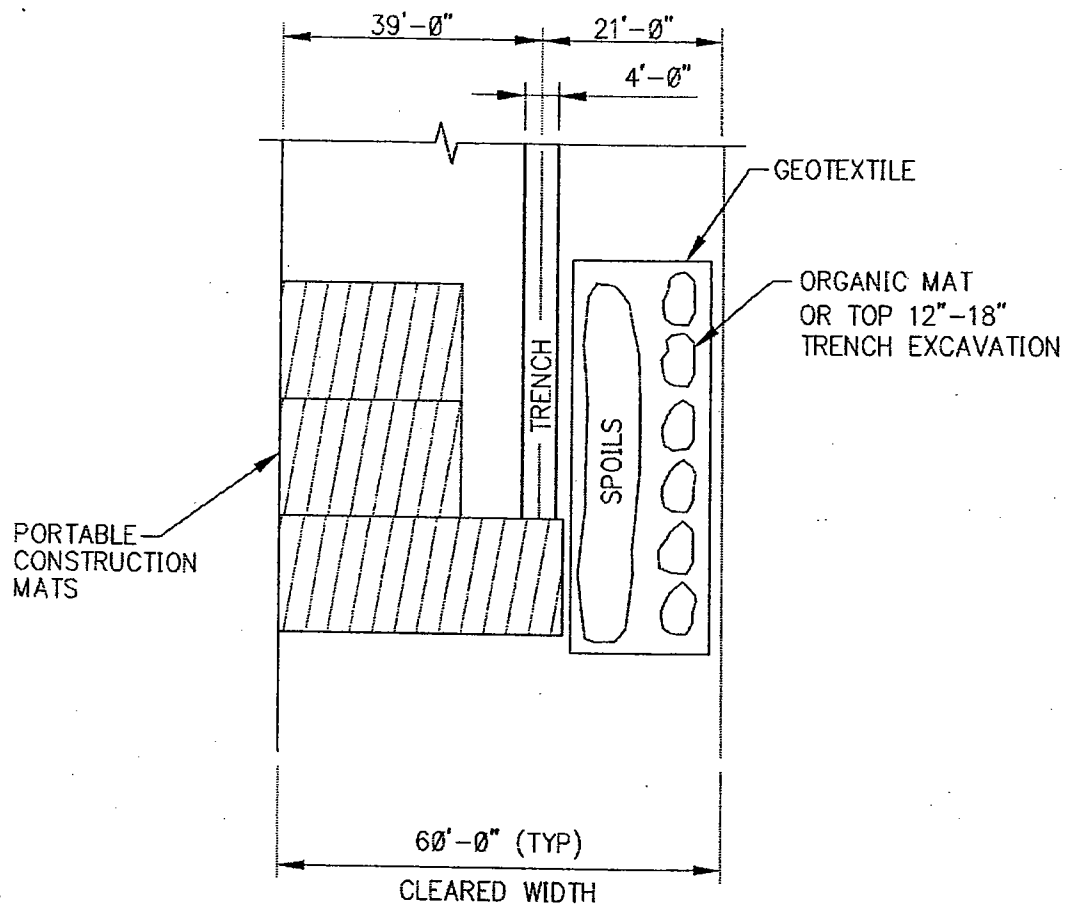
LOCATION:

BOROUGH:

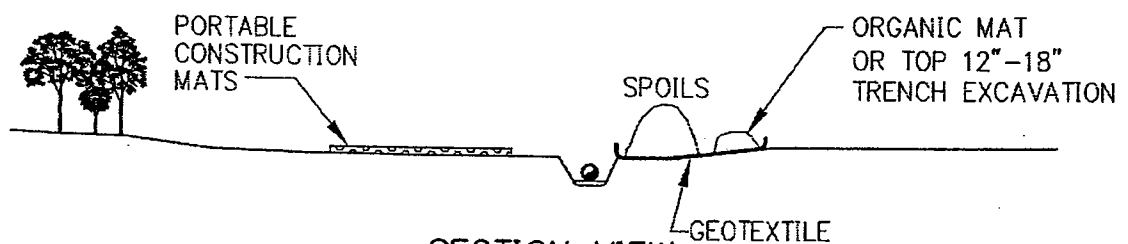
APPLICATION BY:

PIPELINE, LLC

SHEET 1 OF 1 DATE 12/03/03



PLAN VIEW
NOT TO SCALE



SECTION VIEW
NOT TO SCALE

M-2002-0270, Cook Inlet 363
Sheet 14 of 15, Dated: 12 Dec 03

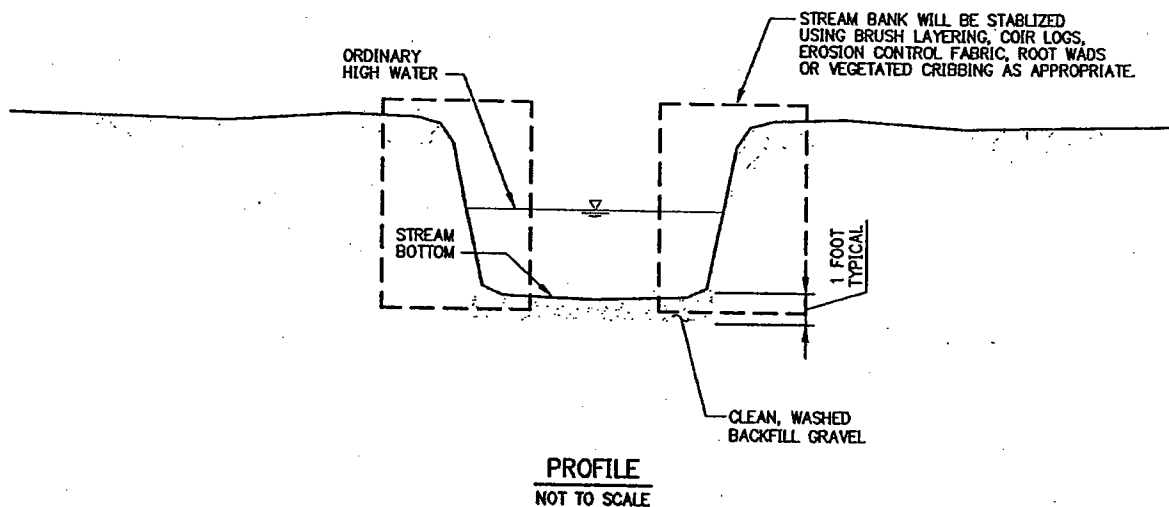
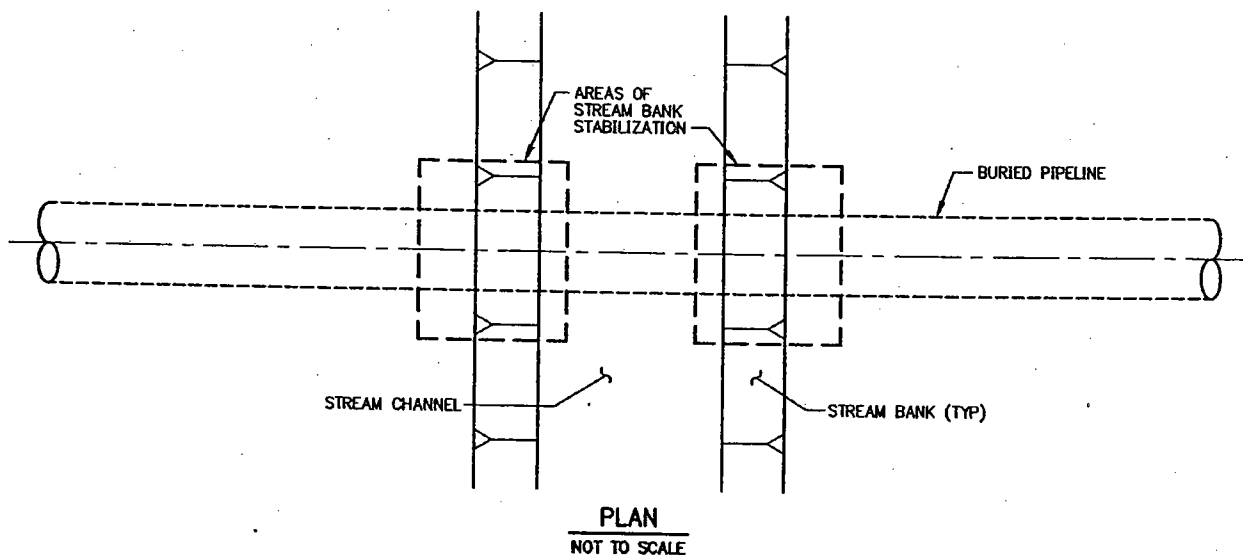
PURPOSE: NATURAL GAS TRANSMISSION

**TYPICAL PLAN & SECTION
FOR UNFROZEN
WETLANDS**

FIGURE 12

**PROPOSED HAPPY VALLEY EXTENSION
TO THE KENAI-KACHEMAK
NATURAL GAS PIPELINE**

LOCATION:
BOROUGH:
**APPLICATION BY: KENAI-KACHEMAK
PIPELINE, LLC**
SHEET 1 OF 1 DATE 12/03/03



NOTE

REFER TO "LAND OWNER'S GUIDE TO FISH HABITAT CONSERVATION AND RESTORATION PRACTICES", MARCH 2001 FOR TYPICAL DETAILS AND PROCEDURES.

**M-2002-0270, Cook Inlet 363
Sheet 15 of 15, Dated: 12 Dec 03**

PURPOSE: NATURAL GAS TRANSMISSION

**TYPICAL STREAM BANK
STABILIZATION
MINOR STREAM
CROSSING
FIGURE 13**

PROPOSED HAPPY VALLEY EXTENSION
TO THE KENAI-KACKEMAK
NATURAL GAS PIPELINE

LOCATION:
BOROUGH:
APPLICATION BY:
PIPELINE, LLC
SHEET 1 OF 1 DATE 12/03/03

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF AIR AND WATER QUALITY

Non-Point Source Control Section
401 Certification Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **M-2002-0270, Cook Inlet 363**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-7564
FAX: (907) 269-7508

STATE OF ALASKA

OFFICE OF THE GOVERNOR

**OFFICE OF PROJECT MANAGEMENT AND PERMITTING
DIVISION OF GOVERNMENTAL COORDINATION**

SOUTHCENTRAL REGIONAL OFFICE

550 West 7th Avenue, Suite 1660

ANCHORAGE, ALASKA 99501-3568

PHONE: (907) 269-7470/FAX: (907) 269-3981

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Governmental Coordination for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **M-2002-0270, Cook Inlet 363**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Alaska Division of Governmental Coordination. For information about this consistency review, contact DGC at (907) 269-7470 or (907) 465-3562, or visit the DGC web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

Attachment 3